

REMARKS

This Amendment is being filed in response to the Final Office Action mailed May 2, 2007, which has been reviewed and carefully considered. Entry of the present amendment and allowance of the present application in view of the amendments made above and the remarks to follow are respectfully requested.

By means of the present amendment, claim 14 has been amended to place it in better form for appeal. In particular, an identical feature recited in claim 4 has been added to claim 14. Accordingly, no new issues requiring a new search have been introduced and entry of the present Amendment is respectfully requested.

In the Final Office Action, claims 1-2, 4, 6-12, 14 and 16-20 are rejected under 35 U.S.C. §102(e) as allegedly anticipated by U.S. Patent Application Publication No. 2002/0059592 (Kiraly). Further, claims 3 and 13 are rejected under 35 U.S.C. §103(a) as allegedly unpatentable over Kiraly in view of Applicant Admitted Prior Art (AAPA). Claims 5 and 15 are rejected under 35 U.S.C. §103(a) as allegedly unpatentable over Background Information (BI) page 1 to page 2, line 15 of the present application, in view of

Kiraly and U.S. Patent Application Publication No. 2005/0271071

(Madhavapeddi). It is respectfully submitted that claims 1-20 are patentable over Kiraly, AAPI, BI and Madhavapeddi for at least the following reasons.

Kiraly is directed to an Internet radio, where forward and past buffers are provided to store data packets to be rendered and that have been rendered, respectively. As recited on page 7, paragraph [0073], when the forward buffer is 'low' as pointed by a rendering pointer 1030 shown in FIG 10, then the Kiraly information receiver and retransmitter device (IRRT) 1001 (shown in FIG 10) signals its chaincast source to send more data packets.

When the forward buffer is 'nearly empty,' as pointed by the rendering pointer 1030, then the IRRT 1001 signals a chaincast manager (CCM) to assign a different chaincast source for the IRRT 1001. Thus, any signaling for more data or change of data source is in response to the content level or the number of packets in the forward buffer. This is specifically recited in paragraph [0074], where:

[a]ccording to the present invention, if the number of data packets falls below the "buffer low" pointer 1050, IRRT 1001 will signal its

chaincast source to send more data packets. If the **number** of data packets falls below the "near empty" pointer 1040, IRRT 1001 will signal the CCM to assign another chaincast source for the IRRT 1001.

Paragraph [0074] of Kiraly further recites that:

[i]n response to the buffer content level falling below a pre-determined threshold value, the present invention re-routes communications between the user devices to provide better communication load sharing across the system. According to the present invention, the transmission buffers of the IRRTs are used to monitor the packet rates. Particularly, each IRRT monitors a number of unrendered data packets stored within its own transmission buffers. When the **number** of unrendered data packets falls below a threshold level, the IRRT signals its near-empty condition to the CCM such that a different upstream IRRT can be assigned to it. (Emphasis provided)

In summary, Kiraly teaches to request more data or a different data source in response to the buffer content level or number of packets stored in buffers. Kiraly merely monitors packet rates, and the buffer content level or number of packets stored in buffers.

In stark contrast, the present invention as recited in independent claim 1, and similarly recited in independent claim 11, amongst other patentable elements, requires (illustrative emphasis

provided):

quality test means for testing the information data retrieved and received by the information retrieval means and for supplying the activation information to the address retrieval means when the quality of the received information data is below a quality threshold value.

Quality test means for supplying the activation information to the address retrieval means when the quality of the received information data is below a quality threshold value are nowhere taught or suggested in Kiraly.

Rather, Kiraly merely teaches to monitor data rate and content of a buffer, where additional data or a different data source is requested in response to the buffer content being below certain levels. AAPI, BI and Madhavapeddi are cited in rejecting dependent claims to allegedly show other features and do not remedy the deficiencies in Kiraly.

In the Final Office Action, page 3, first full paragraph, it is alleged that paragraphs [0042], [0072] and [0073] of Kiraly teach quality test means for testing the information data retrieved and received for supplying the activation information to the address retrieval means when the quality of the received

information data is below a quality threshold value. As discussed above, Kiraly merely teaches to monitor the level or number of packets stored in the buffer. Further, it is respectfully submitted that the word "quality" does NOT EXIST in Kiraly. Kiraly is not concerned with quality of reception, but rather is concerned with the quantity of reception.

Further, the Final Office Action, page 4, first full paragraph, alleges that the features relied on are not recited in the claims. This allegation is strongly traversed. It is respectfully submitted that the so-called features relied on are the following recitations specifically recited in independent claim 1, and similarly recited in independent claim 11 (illustrative emphasis provided):

quality test means for testing the
information data retrieved and received by the
information retrieval means and for supplying the
activation information to the address retrieval
means when the quality of the received
information data is below a quality threshold
value.

Quality test means for supplying the activation information to the address retrieval means, when the quality of the received information data is below a quality threshold value, is nowhere

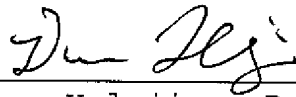
taught or suggested in Kiraly. Rather, Kiraly merely teaches to monitor data rate and content or number of packets in a buffer, where additional data or a different data source is requested in response to the buffer content being below certain levels. AAPI, BI and Madhavapeddi are cited in rejecting dependent claims to allegedly show other features and do not remedy the deficiencies in Kiraly.

Accordingly, it is respectfully submitted that independent claims 1 and 11 should be allowable, and allowance thereof is respectfully requested. In addition, it is respectfully submitted that claims 2-10 and 12-20 should also be allowed at least based on their dependence from independent claims 1 and 11.

In addition, Applicant denies any statement, position or averment of the Examiner that is not specifically addressed by the foregoing argument and response. Any rejections and/or points of argument not addressed would appear to be moot in view of the presented remarks. However, the Applicant reserves the right to submit further arguments in support of the above stated position, should that become necessary. No arguments are waived and none of the Examiner's statements are conceded.

In view of the above, it is respectfully submitted that the present application is in condition for allowance, and a Notice of Allowance is earnestly solicited.

Respectfully submitted,

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